THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 9436 OF 2001

Dated 10th October, 2007

Between:

M/s. Venkata Ramana Rice Mill
Machareddy village & Mandal,
Nizamabad District, represented by its
Proprietor, Seni Shetty Rajamouli,
S/o Venkata Rajaiah, aged about 47 years.

…Petitioner.

And

Transmission Corporation of A.P. Ltd.,
represented by its Secretary, Vidyuth Soudha,
Khairatabad, Hyderabad and another.

…Respondents.

ORAL ORDER:

The petitioner – a rice mill – has filed this writ petition questioning the validity of the demand made by way of provisional assessment in Letter No.ADE/OP/DKD/F.No. 254 MR.D.No. 91/2001, dated 19.4.2001.

The petitioner, for the purpose of running rice mill, availed electricity supply to its Service Connection bearing No.254 at Machareddy village in Nizamabad District. The Assistant Divisional Engineer, DPE-2, Nizamabad made an inspection of the said service connection on 17.4.2001 at 13.50 hours and noticed some incriminating points. It is alleged that meter box was tampered and the sealing wires were not intact. On the said allegations and report, a case of pilferage was registered against the petitioner and provisional assessment notice was issued demanding an amount of Rs. 9,32,579/- and for minimum payment of an amount of Rs.4,66,290/-, being half of the amount, for continuing the power supply pending finalisation of final assessment proceedings.

At the stage of admission, this court granted interim direction subject to condition of the petitioner paying a sum of Rs.2.00 lakhs. Though the writ petition is of the year 2001 and the said order passed by this court on 15.5.2001 continued all along, no counter affidavit is filed.

The writ petition itself is against the provisional assessment notice and the same will be subject to final orders to be passed by the competent authority in final assessment proceedings. As the provisional assessment notice was issued as early as on 19.4.2001, it is not known as to whether final order has been passed in the final assessment proceedings or not. In that view of the matter, I dispose of the writ petition directing the respondents to complete the final

assessment proceedings pursuant to provisional demand dated 19.4.2001 issued in Lr.No.ADB/OP/DKD/F.No.254 MR.D.No.91/2001, if not already finalized, within a period of three months from the date of receipt of a copy of this order. The order of this court dated 15.5.2001 shall continue to operate till appropriate final orders are passed in the final assessment proceedings.

Subject to above direction, the writ petition is disposed of. No order as to costs.

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10-10-2007 **R.SUBHASH REDDY, J.**

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